

**NATIONAL WEATHER SERVICE INSTRUCTION 10-2005**

**NOVEMBER 3, 2004**

***Operations and Services***

***Forensic Services, NWSPD 10-20***

***HANDLING AND RELEASING ACCIDENT-RELATED WEATHER INFORMATION***

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**NOTICE:** This publication is available at: <http://www.nws.noaa.gov/directives/>.

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**SUMMARY OF REVISIONS:** This directive supersedes NWS Instruction 10-2005, dated November 11, 2003. The directive has been reorganized to reflect changes made to the Forensic Services Program. Major changes include removing the schedule of fees associated with charges for mission information and disposition of collections because this schedule is contained in NOAA Directive Manual 21-25; and clarifying the role of the National Climatic Data Center in the Forensic Services Program relating to certified records. Additionally, in section 1.4, a change made now states that if local reproduction of original records is not available, the records should not be forwarded to NWS Headquarters, and instead the NWS office should refer the requesting party to NWS Headquarters.

SIGNED

October 20, 2004

Gregory A. Mandt

Date

Director, Office of Climate, Water, and Weather Services

Table of ContentsPage

1. Procedures for Releasing Accident-Related Weather Information.....	2
1.1 Requests for Weather Data – General.....	2
1.2 Unauthorized Information.....	3
1.3 Statements.....	3
1.3.1 Handling of Requests for Statements.....	3
1.3.2 Preparation of Statements.....	3
1.4 Requests from the Forensic Services Manager.....	4
1.5 Responding to the News Media.....	4
1.6 Requests for Office Visits by Private Attorneys and Consultants.....	5
2. Certification of Records.....	5
2.1 Types of Certification.....	5
2.2 National Climatic Data Center Certification of Permanent Records.....	6
2.3 Authenticity of Certified Records in Court Cases.....	6
3. National Weather Service Charges for Mission Information and Disposition of Collections.....	6
3.1 Office Records.....	7
3.2 Disposition of Collections.....	7
3.3 Security of Funds.....	7

Appendices:

A. Sample of Written Statement.....	8
B. WS Form D-32 for Local Certification.....	9
C. Department of Commerce Form CD-64 for Certification.....	10

**1. Procedures for Releasing Accident-Related Weather Information.**

**1.1 Requests for Weather Data - General.** Government agency and private party requests for weather exhibits related to various types of accidents may go directly to any NWS office. In the interest of expediting service, the NWS office receiving the request should provide uncertified copies of weather information which are a matter of public record (e.g., surface observations, forecasts and warnings) if readily available on site. If the information request appears to be in preparation for litigation against the government, the Forensic Services Manager (FSM) at NWS Headquarters (NWSH) and appropriate regional headquarters (RH) personnel should be notified immediately. Furthermore, if there are any concerns or questions about a request for NWS records, RH or NWS offices should contact the Forensic Services Manager before taking any action.

If certified copies are requested, forward requests to the National Climatic Data Center (NCDC):

National Climatic Data Center  
 151 Patton Avenue  
 Asheville, North Carolina 28801-5001  
 Telephone No. (828) 271-4800

**1.2 Unauthorized Information.** Personal views, opinions, or conjectures about the cause of an accident or the quality of weather products and services possibly associated with the accident will not be released publicly, either verbally or in writing. See section 1.4.1 for procedures on the release of written statements.

The following are considered privileged information and are not generally furnished to the general public:

- a. Inter- or intra-agency memoranda or letters;
- b. Investigatory files compiled for law enforcement purposes;
- c. Information related solely to the personnel rules and practices of any agency;
- d. Personnel, medical, and similar files, the disclosure of which would constitute a clearly unwarranted violation of the Privacy Act; and
- e. Memoranda, reports, and files prepared for litigation.

**NOTE:** Refer all requests for privileged information to the FSM, NWSH for appropriate action.

**1.3 Statements.** It is routine procedure for Government officials investigating a major accident to request oral or written statements from persons who may have knowledge of weather conditions or services incident to the accident.

**1.3.1 Handling of Requests for Statements.** Written statements, narratives, or summary and after-cast reports will not be provided to offices, agencies, or organizations (government or public) outside the NWS without approval from the FSM. The FSM will be immediately notified of any requests for oral or written statements coming directly from any source outside of the NWS.

In most cases, requests for NWS personnel statements related to transportation accident investigations will come from the National Transportation Safety Board (NTSB). The requests normally will be sent to the FSM and passed on to the NWS employee through the appropriate RH Program Leader and NWS office manager. The NWS employee will complete and submit the statement as quickly as possible. The original and a second copy will be forwarded directly to the FSM.

On occasion, personnel interviews are requested by NTSB field investigators. The appropriate RH program leader will arrange these interviews. The NWS member on the NTSB's investigation team or the NWS office manager, if there is no NWS member on the team, will attend the interview. NWS personnel should make all reasonable effort to avoid the recording of their oral statements.

**1.3.2 Preparation of Statements.** Use Appendix A as a guide for preparing written statements.

The author will type or print a statement on plain bond paper. It should not be addressed to anyone. It will be dated and contain an identifying paragraph including the individual's name, address, occupation, and location of employment. The statement will contain only facts and devoid of opinions and conclusions. It should be written in the first person--"I am, I saw, I did, etc."

The statement should be clear and concise--with all pertinent facts in chronological order. Carefully identify all referenced weather information, equipment and/or operational procedures, taking care to avoid acronyms. The statement will be considered along with other testimony and evidence in seeking the probable cause of an accident and the contributing factors. Additionally, personnel statements are frequently produced in litigation evolving from accidents, where they are viewed as the employee's most recent recollection while acting in an official capacity. Confine information in the statement to functions and responsibilities relating to the NWS.

Opinions of any kind, including those on the probable cause of an accident, will not be rendered. The author is expected to sign the statement above his/her printed name and title.

**1.4 Requests from the Forensic Services Manager.** When a major accident occurs, the FSM may require immediate access to official weather records relating to the accident. Quick access is essential in providing preliminary weather information to NTSB and other Government investigators. It also allows a preliminary analysis of the extent of weather products and/or services relating to the accident. On occasion, the FSM may request official records, including original WSR-88D Archive Level II tapes and/or Archive Level III disks/cartridges, be forwarded to the NCDC for expedited processing. Additionally, the FSM may request portions of the Archive Level III disk/cartridge surrounding the time of the accident be copied and forwarded to NWSH as soon as possible. The appropriate RH will be advised of such requests as soon as possible.

For routine requests of data available at NWS offices, NWS offices will forward two certified copies of each weather exhibit to the address below. The submitted data should be limited to the period specified in the request. NWS office identification, along with the time(s) and date of the data, will be indicated on the front of each page. The data should be sent by first class mail. However, when requested, send by certified mail as soon as possible to:

National Weather Service Headquarters  
Silver Spring Metro Center #2  
ATTN: W/OS23, Forensic Services, 13th Floor  
1325 East-West Highway  
Silver Spring, Maryland 20910

Where reproduction cannot be accomplished locally, NWS offices should not forward original records. In such cases, refer the requesting person or entity to the FSM at NWSH.

**1.5 Responding to the News Media.** Following major accidents suspected to be weather related, an NWS office is often contacted by the news media and asked questions about the weather at the accident site; specifically if warnings were in effect at the time. When this occurs, the NWS office manager or the person in charge of station operations at the time of the incident

will field the questions. Regardless of who responds to the questions, no interpretation or speculation will be provided concerning the accident. The answers should be documented and made available to others on station to ensure consistency. Most of the time, the questions can be answered in a straightforward manner. There may be times, however, when information may be misinterpreted. If this happens, the following response to news media questions is recommended.

"All weather information applicable to the time and place of the referenced accident has been (or will be) made available to the National Transportation Safety Board. It would be inappropriate for me to comment on the questions asked before the Safety Board completes its investigation."

If the above approach is used and the media person persists and states the information requested is a matter of public record, inform them certified copies of the information can be obtained by submitting a written request to the FSM at NWSH.

**1.6 Requests for Office Visits by Private Attorneys and Consultants.** On occasion, an NWS office will be contacted by a private attorney, or a consulting meteorologist working for an attorney, requesting a visit or tour of the office facilities. The Department of Commerce (DOC) has regulations (15 C.F.R. Part 15, Subpart B) governing testimony by employees, the production of documents, and the dissemination of official information in legal proceedings. These regulations require attorneys or their representatives to submit a written request for testimony, documentation, or official information in connection with potential or pending legal proceedings. A site visit to an NWS facility falls under the category of obtaining "official information".

Therefore, when an NWS office receives a request for a visit from an attorney or their representative, the purpose of the visit should be discerned:

- a. Is the visit connected in any way to ongoing or potential litigation? If so, who are the parties to the case?
- b. Is the visit related to the investigation of an aircraft accident, marine casualty, severe weather event, or similar incident?

If the answer to either question above is yes, or office personnel suspect such involvement, the proposed visit will not be permitted until it has been discussed with the FSM, DOC's General Counsel's Office, or the National Oceanic and Atmospheric Administration's (NOAA) Office of the General Counsel.

## **2. Certification of Records.**

**2.1 Types of Certification.** There are three basic types of certification.

- a. Stamped (or Individual). The certification of an individual record or document by the NWS office. Note: The certifying official may certify only those records or documents issued by the NWS office. The certification may be typed, written, or stamped. It includes a

certification statement, signature in ink, the signatory's title, the office location, and the date of the record or document being certified. To facilitate reproduction, enter the certification directly on the front of each page of an exhibit. Each NWS office should obtain a rubber stamp in the following format:

This is a certified true copy of  
  
weather records available at this  
  
office for      (date)  
  
Signature  
  
Title  
  
Office

b.      Group. Used in lieu of stamped certification in cases where a large volume of similar records is involved (e.g., several days of forecasts, etc.). The certification is entered on the WS Form D-32 (see Appendix B) and affixed to the records.

c.      Authentication (Certification by the Department of Commerce). Prepared on occasions when a stamped or group certification is not acceptable. A completed Form CD-64 (see Appendix C) represents DOC certification and authentication.

**2.2      National Climatic Data Center (NCDC) Certification of Permanent Records.** The NCDC is custodian of NWS service products and provides group and DOC certifications for these and all other records permanently archived at the NCDC. NWS offices will not certify records scheduled for permanent archiving at the NCDC.

**2.3      Authenticity of Certified Records in Court Cases.** The United States Code (28 U.S.C. 1733) provides: properly authenticated copies or transcripts of any books, records, papers, or documents of any department or agency of the United States will be admitted equally with the originals thereof (June 28, 1948, Ch. 646, Sec. 1, 62 Stat. 946, eff. September 1, 1948).

**3.      National Weather Service (NWS) Charges for Mission Information and Disposition of Collections.** NOAA Directives Manual 21-25 provides policy, guidance and a list of applicable fees and charges for mission information. Mission information requests which the NWS could assess charges typically involve copies or transcriptions of observations, forecasts, warnings, local climatological data, etc. In addition, NWS offices often receive requests for release of information under the Freedom of Information Act (FOIA). NOAA Directives Manual 21-25 also lists charges for FOIA requests. NWS offices should discourage cash payments. Checks should be made payable to "NOAA, National Weather Service".

**3.1      Office Records.** An office record will be maintained of all collections. This record will include: (1) date payment received, (2) total amount of the payment, (3) the payer, (4) purpose of payment, e.g., copies of observations, local climatological data, etc. (may be consolidated into

one entry), and (5) the date the check or money order is forwarded to the Administrative Support Center (ASC).

**3.2     Disposition of Collections.** NWS Offices should forward collected payments to the appropriate ASC within 30 days of collection, accompanied by a copy of the office record or a covering memorandum showing: (1) the date of the collection(s), (2) the amount of the collection(s), and (3) the purpose of the collection(s). The ASC should be instructed to forward the collection(s) to the United States Treasury.

**3.3     Security of Funds.** Section 4 of the NOAA Cashier's Handbook contains instructions for the proper safeguarding of funds. NWS office managers will ensure there is a strict internal accounting and safeguard of all local collections and funds.

**Appendix A – Sample Statement**

S T A T E M E N T  
Weather Forecast Office  
Fort Worth, Texas  
June 23, 1998

The following is a report concerning the accident involving aircraft N1027X at Dallas/Fort Worth International Airport (DFW), Texas. The accident occurred during the evening of May 16, 1998, at approximately 9:30 p.m. Central Daylight Time (CDT).

My name is John Doe. I am employed as a meteorologist at the Weather Forecast Office at Fort Worth, Texas. I was on duty as the aviation forecaster during the period from 4:00 p.m. to midnight CDT on May 16, 1998. My duties included the issuance of Aviation Terminal Forecasts (TAFs) for north Texas, including DFW.

I arrived on duty about 10 minutes before 4:00 p.m. I was briefed by the previous aviation forecaster on the weather conditions and trends, and what I might expect during my shift. After the briefing, I reviewed the current weather situation and the latest radar data, and checked the existing forecasts for any amendments that might be needed.

At about 5:45 p.m., I began preparing the routine TAF package valid for the period beginning 7 p.m. CDT (0000Z May 17th). The portion of the DFW TAF valid for the period from 7 p.m. to 11 p.m. included a forecast for winds from the southeast at 15 knots, visibility of greater than 6 statute miles and a cloud base of 25 hundred feet broken, with conditions temporarily lowering to a visibility of 2 miles in thunderstorms with light rain between 9 p.m. and 11 p.m.

Shortly after 8 p.m., the Weather Surveillance Radar-1988 Doppler (WSR-88D) indicated an intensifying area of thunderstorms to the northwest, moving towards the Dallas-Fort Worth metroplex area. At the same time we began to receive reports of heavy rain and gusty winds from amateur radio operators and phone calls from the public in the area of the thunderstorms. At 8:10 p.m., a Severe Thunderstorm Watch was issued by the Storm Prediction Center in Norman, Oklahoma, for much of northern Texas, including DFW.

At 8:15 p.m., I began to amend the existing TAFs for DFW and other airports in the metroplex area. The amended TAF for DFW forecast a temporary condition of southwesterly winds of 25 knots gusting to 40 knots, a visibility of ½ mile in thunderstorms with heavy rain and a cloud base of 8 hundred feet during the period from 9 p.m. to 11 p.m. After sending the amended TAF, I observed the thunderstorm area approaching the metroplex area on the WSR-88D radar.

A thunderstorm began at DFW at 9:15 p.m. At 9:20 p.m., I received a special surface weather observation from DFW reporting gusty winds of 35 knots and a visibility of 1 mile in thunderstorms with heavy rain. Frequent cloud to ground lightning was reported in all quadrants. Shortly after 9:30 p.m., I received a call from the DFW observer notifying us that an aircraft mishap had occurred at the airport. At 10 p.m., the Fort Worth Air Route Traffic Control Center called to provide us with additional information.

At 11:45 p.m. the next duty aviation forecaster for the midnight shift arrived. I briefed him about the weather situation and provided him with the available information about the aircraft mishap. I left the office shortly after midnight.

(signed) John Doe  
Meteorologist



Appendix B - WS Form D-32 for Local Certification

(01-90)  
(PRES. BY WSOM D-90)

# UNITED STATES OF AMERICA

■  
UNITED STATES DEPARTMENT OF COMMERCE

*Date*

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*Station/Office*

---

*I hereby certify that the attached is a*

*true copy of a National Oceanic and Atmospheric Administration*

*Record.*

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*(Certifying Official)*

Appendix C - Department of Commerce Form CD-64 for Certification

U. S. DEPARTMENT OF COMMERCE

FORM CD-64  
(REV. 1-29-71)  
PRESCRIBED BY  
D&O 201-17

Washington, \_\_\_\_\_

I HEREBY CERTIFY that the annexed is a true copy of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

on file in the \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
(Official Title)

\_\_\_\_\_

I HEREBY CERTIFY that \_\_\_\_\_

who signed the foregoing certificate, is now, and was at the time of signing, \_\_\_\_\_

\_\_\_\_\_

and that full faith and credit should be given his certificate as such.

IN WITNESS WHEREOF, I have hereunto subscribed my name, and  
caused the seal of the Department of Commerce to be affixed this

\_\_\_\_\_ day of \_\_\_\_\_, two thousand  
and one.

For the SECRETARY OF COMMERCE:

\_\_\_\_\_  
Certifying Officer